

**Remarks/Arguments:**

The present invention relates to the control of a disk apparatus. Specifically, power is either applied or not applied to the disk apparatus.

On page 2, the Official Action rejects claims 1-3 and 5-11 under 35 U.S.C. 102(e) as being anticipated by Ellis (US 2004/0103434 A1). It is respectfully submitted, however, that the claims are patentable over the art of record for at least the reasons set forth below.

Ellis teaches an interactive television system in which a user is allowed to view and record a video. Specifically, the user may set television program reminders, advance order pay-per-view programs, schedule programs for recording and establish parental controls.

Applicant's invention as recited by independent claim 1, includes a feature which is neither disclosed nor suggested by the art of record, namely:

**... when said disk start mode setting means sets said disk start disabling mode, said disk start control means carries out control so as to apply power to said processing section without applying power to said disk section...**

**... when said disk start mode setting means sets said disk start enabling mode, said disk start control means carries out control so as to apply power to said disk section and said processing section. (Emphasis Added)**

Claim 1 relates to controlling the power supplied to a hard disk and a processing section. Specifically, in a disabling mode, power is applied to only the processing section (not the disk section). Furthermore, in an enabling mode, power is applied to both the processing section and the disk section. This feature is found in the originally filed Application on at least pages 23 and 24, as well as in Figs. 6 and 8. No new matter has been added.

In paragraph 106, Ellis teaches the recording of a selected program. (*"The user may position highlight region 184 on top of either yes option 183 or no option 185 over any other suitable options... to record the program"*). Specifically on page 3, the Official Action summarizes paragraph 106 of Ellis for disclosing the option to either record or not to record. The Official Action goes on to say that if record yes is chosen, Ellis discloses *"the tuner and the hard disk working simultaneously."* On the other hand, if recording no is chosen, the signals go straight from the set top box to the television. Ellis, however, does not teach or suggest applying or not applying power to the separate portions of the system (for example, hard disk and processing section).

Applicant's claim 1 is different than Ellis, because an enabling mode and disabling mode controls the power supplied to the hard disk and processing section (*"(1) when said disk start mode setting means sets said disk start disabling mode, said disk start control means carries out control so as to apply power to said processing section without applying power to said disk section, and in the case (2) when disk start mode setting means sets said disk start enabling mode, said disk start control means carries out control so as to apply power to said disk section and said processing section"*).

The disabling mode is shown in Fig. 6 wherein disk start control means 13 controls switches 33 and 34. In the disabling mode, disk start control means 13 closes switch 34 which supplies power to processing section 17 and opens switch 33 therefore disconnecting power to hard disk 12. This feature is supported on page 24, lines 11-18 (*"switch 33 is in a non-conduction state, and switch 34 is in a conduction state. In other words, electric power is not supplied to the hard disk 12, but electric power is supplied through processing section 17"*). By not applying power to the hard disk, the hard disk is not able to spin, and thus will not be significantly damaged if it is dropped or is impacted in some way. This disabling mode feature is important in operations wherein a user is installing the disk as disclosed on page 24, lines 19-27. In this state, the user carries out an operation, such as the operation of installing a disk apparatus (*"the reliability of the hard disk 12 is not damaged, except when a very large impact is applied. Hence, the user can carry out this kind of operation without anxiety"*).

After the user installs the disk, the system may be set in enabling mode. In enabling mode, disk start control means 13 closes both switches 33 and 34, thus applying power to both hard disk 12 and processing section 17. This feature is supported

on page 26, lines 1-3 (*"in Fig. 8...switch 33 and the switch 34 are both set in the conduction state"*).

It is because Applicant includes the feature of *"disabling mode ... to apply power to said processing section without applying power to said disk section ... enabling mode ... to apply power to said disk section and said processing section"*, that the following advantages are achieved. An advantage is the ability to power down the hard disk in order to reduce the damage if the hard disk is unintentionally dropped or impacted (if disk is spinning while impacted, it will be extensively damaged). Accordingly, for the reasons set forth above, claim 1 is patentable over the art of record.

Claim 9 has been similarly amended to claim 1. Thus, claim 9 is also patentable over the art of record for at least the reasons set forth above.

Claims 2-8 include all of the features of claim 1 from which they depend. Thus, claims 2-8 are also patentable over the art of record for at least the reasons set forth above.

Claims 10 and 11 include all of the features of claim 9 from which they depend. Thus, claims 10 and 11 are also patentable over the art of record for at least the reasons set forth above.

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In view of the amendments and arguments set forth above, the above-identified Application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

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